

DISTRICT: MORIGAON

IN THE COURT OF ADDL. CHIEF JUDL. MAGISTRATE,

MORIGAON::::::::::ASSAM.

PRC Case No. 723 of 2019

U/S 447/294/326 of IPC

PROSECUTOR: STATE OF ASSAM

-VS.-

ACCUSED: SRI DAL GOHAIN @ SHIVA PRASAD GOHAIN

Present : Smti. S. Acharyya, AJS,
Addl. Chief Judicial Magistrate,
Morigaon.

APPEARANCE:

For the State : Mr. P. Hazarika, Ld. Addl. Public Prosecutor.
For the accused person : Mr. R. Medhi & Mr. H. Kr. Bora, Ld. Advocate.
Charge framed on : 25.09.2019.
Evidence recorded on : 09.01.2020.
Argument heard on : 09.01.2020.
Judgment delivered on : 09.01.2020.

J U D G M E N T

1. The prosecution case in brief is that the informant Sri Binud Gowala lodged an ejahar stating inter alia that on 13.12.2018, at about 9.00/10.00 PM, the accused person entered into the rented house of the informant and abused him with obscene words and assaulted him with sharp weapon. Hence the case.

2. On receipt of the 'ejahar' at the police station, the same was registered as Morigaon P.S. Case No. 665/2018 and the matter was investigated upon.

3. After completion of investigation police filed a charge-sheet against the accused person Sri Dal Gohain @ Shiva Prasad Gohain under section 447/294/326 IPC.

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4. On appearance of the accused person, he was allowed to go on bail. Relevant documents of the case were furnished to him. Upon perusal of materials on record and after hearing both sides, charges under section 447/294/326 IPC has been framed in writing, read over and explained to the accused person to which he pleaded not guilty and claimed to be tried.

5. The prosecution in support of its case examined one witness. Whereas, the defence side has not examined any witness in support of its defence.

6. The examination under section 313 Cr.P.C. of the accused person is dispensed with as found not necessary.

7. I have heard the argument advanced by the learned counsels for both sides.

8. Upon hearing and on perusal of the record I have framed the following points for determination:

(i) Whether the accused person, on 13.12.2018, at about 9.00/10.00 PM, at Gohaingaon village under Morigaon PS and Dist.-Morigaon criminally trespassed into the rented house campus of informant Binud Gowala and thereby committed an offense punishable U/S 447 of IPC?

(ii) Whether the accused person, on the same date, time and place abused Binud Gowala with obscene words and thereby committed an offense punishable U/S 294 of IPC?

(iii) Whether the accused person, on the same date, time and place voluntarily caused grievous hurt to Binud Gowala with dangerous weapon (sharp weapon) and thereby committed an offense punishable U/S 326 of IPC?

DISCUSSION, DECISIONS AND REASONS FOR THE DECISIONS:

9. For convenience of discussion and for the sake of brevity, I am discussing all the points together.

10. PW1 Sri Binud Gowala, who is the informant cum victim inter alia deposed that he instituted this case out of misunderstanding and presently he has no allegation against the accused person and he has no objection, if the accused person is acquitted and he does not want to proceed

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with the case. PW1 exhibited the ejahar as Ext.1 and his signature as Ext.1(1).

11. I have carefully gone through the evidence on record. From the evidence it appears that PW1, who is the informant cum victim has not supported the prosecution case, as stated in the ejahar. In the result, there is no incriminating evidence against the accused person.

12. In view of above discussion, the accused Dal Gohain @ Shiva Prasad Gohain is acquitted of charge U/S 447/294/326 of IPC and set at liberty forthwith.

13. Bail bond shall remain in force for next six months.

14. The case is disposed of on contest.

15. Given under my hand and seal, today, the 9th day of January, 2020.

Dictated and corrected
by me.

S. ACHARYYA
Addl Chief Judicial Magistrate
Morigaon.

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Addl Chief Judicial Magistrate
Morigaon.

Dictation taken and
transcribed be me.

Computer Typist.

APPENDIX:

Prosecution witness:

PW1- Sri Binud Gowala

Prosecution exhibits:

Ext.1- Ejahar.

Defence witness:

Nil.

Defence exhibit:

Nil.

Dictated and corrected
by me.

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Addl Chief Judicial Magistrate
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